



# Rivers Alliance of Connecticut

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## PUBLIC HEALTH COMMITTEE HEARING

March 6, 2009

### **RB 6617 AAC Water Supply Plans RB 6539 AAC Environmental Health**

Dear Sen. Harris, Rep. Ritter, and Members of the Committee:

*Rivers Alliance of is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship.*

Rivers Alliance of Connecticut is pleased to support one section of RB 6617, namely the stipulation that a water supply plan shall include a summary of the water company's infrastructure needs, practices, and planning.

We do not support eliminating the requirement for the Department of Environmental Protection (DEP) concurrence in approval of a water supply plan. It is gracious of the proponents to allow the DEP "to provide comments" on a plan, but this is not a substitute for concurrent approval.

Rivers Alliance has worked with water utilities in subcommittees and advisory groups of the Water Planning Council to develop consensus proposals for integrated water supply planning and permitting. We believe the fragmentation of authority among several agencies, including most prominently DEP and the Department of Public Health (DPH), is harmful and in need of reform. But the approach in this bill would only make matters worse. It would, for example, postpone DEP authority over water diversions until the utility has an immediate need for the diversion. It is far preferable to consider proposed diversions well in advance of immediate need so that alternatives can be considered. That is the reason why both agencies are involved in approval of water supply plans.

We do not support the drastic reduction in DPH's authority to require timely revisions of water supply plans.

A tax-exempt  
organization under  
501 (c) (3) of the  
Internal Revenue  
Code

The most urgent immediate need with respect to water supply plans is to make them available again to the public. As you may know, under cloak of national security almost all water company documents, including supply plans, are now exempt from Freedom of Information laws. This was accomplished in part in Public Act 02-102, a fairly sensible protection for sensitive material. But in Public Act 02-133 and most importantly in the 2003 Budget Implementor, the secrecy was extended far beyond the public interest. Virtually all water company records are unavailable in any timely manner (if at all). The records that are released are incredibly redacted (for example, the names of all reservoirs are blacked out). Various strategies have emerged for evading the law, for example, DPH recently funded a study that included all sorts of maps it was not allowed to show to the public. The solution was to let the grantee post the maps.

We ask that you amend the General Statutes in Sec. 1-210(b)(ix) as follows:

- (ix) With respect to a water company, as defined in section 25-32a, that provides water service: Vulnerability assessments and risk management plans, [operational plans, portions of water supply plans submitted pursuant to section 25-32d that contain or reveal information the disclosure of which may result in a security risk to a water company, inspection reports, technical specifications and other materials that depict or specifically describe critical water company operating facilities, collection and distribution systems or sources of supply;] and other documents that pose an extremely high security risk and are not useful in assessing water utility performance and environmental impacts. This exemption shall not apply to water supply plans until such time as the Department of Public Health identifies particular sections of such plans that would endanger national security if generally available to the public.

Moving to AAC Environmental Health, we support extending the deadline for DPH to develop regulations for packaged on-site sewage treatment systems. We are extremely concerned by changes to DPH's authority with respect to radon. We received a call about radon in water in Columbia just yesterday, and it is difficult to know where to tell people to turn for help.

Thank you for your consideration and hard work. We would be happy to answer questions or help in any other way.

Sincerely,



Margaret Miner,  
Executive Director